

ironic twist that Senator Kristensen pointed out to me. This whole issue of whether legislators can or cannot serve on commissions is an interesting one. The Attorney General's Opinion is, frankly, just that, it is an opinion. There is no case law in Nebraska helping us clarify what is separation of powers in this arena and what is not. My personal opinion would be that legislators would be violating a separation of powers doctrine if they were, in fact, serving on bodies that were, as the Attorney General's Opinion indicates, primarily executive or administrative, if they were passing rules and regulations, if they were supervising personnel, if they were making spending decisions, those type of things that we consider to be administrative. The role of making policy, creating...solving problems, creating ideas for future legislation, that's not really primarily an executive or an administrative function. I'm looking at things like the School Finance Review Committee, which has legislators serving on it, which had legislators serving on it; the 247 Study Commission on Higher Education, which had legislators serving on it. Those were not primarily administrative or executive functions, those were problem solving, policy making approaches. And I certainly hope that policy making is not beyond the expertise of a legislator. That's what we do, as do people in the administrative branch. So I would hope we come down with a final answer to this problem where this type of service on commissions and boards would, in fact, be appropriate. So, with that, having successfully diverted the attention away from the qualifications of Senator Bernard-Stevens, which he'll probably appreciate, and onto the discussion of legislative...legislative service on these boards, I would urge the confirmation of Senator Bernard-Stevens.

PRESIDENT MOUL: Thank you, Senator Withem. We will now vote on the confirmation of the Education Committee report. All those in favor please vote aye, opposed nay. Have you all voted? Have you all voted? Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Madam President.

PRESIDENT MOUL: The report is adopted. We'll proceed with Item 7 on the agenda, Final Reading. Would ask the senators to please return to their seats so that we can proceed with Final Reading. Would the senators please return to their seats. We'll proceed with Final Reading on LB 234.

CLERK: Madam President, Senator Beutler would move to return